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To: Commissioner for Patents
Facsimile: 703-308-4242
From: Thomas J. Kowalski
Date: September 29, 2003
Re: AMENDMENT AND RESPONSE TO OFFICE ACTION WITH
REQUEST FOR EXTENSION OF TIME
Our Ref.: 674523-2028
Number of Pages: 23
(including cover page)

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00149611

PATENT
674523-2028**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Kingsman, *et al.*
U.S. Serial No. : 09/254,529
Filing Date : August 4, 1999
For : RETROVIRAL VECTORS
Examiner : Sumesh Kaushal
Art Unit : 1636

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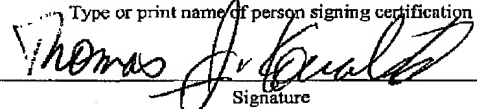
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Thomas J. Kowalski, Reg. No. 32,147

Type or print name of person signing certification


Signature

September 29, 2003

Date of Signature

**AMENDMENT AND RESPONSE TO OFFICE ACTION
WITH REQUEST FOR EXTENSION OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated May 28, 2003, setting a three-month term
for reply.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), a one-month extension of the period for reply, *i.e.*, to up
to and including September 29, 2003 (as September 28 was a Sunday) is requested. The
Commissioner is authorized to charge the \$55.00 small entity fee under §1.17(a), and any
additionally required fee for this extension of time or any other fee occasioned by this paper, or
credit any overpayment in such fees, to Deposit Account No. 50-0320.

PATENT
674523-2028

AMENDMENT

Please amend the application without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents as follows.

IN THE CLAIMS

1-23. (Cancelled)

24. (Currently amended) A retroviral vector particle comprising a packageable retroviral RNA genome which, when in the form of a DNA provirus, comprises:

(i) a 5'LTR comprising an HIV U3 and R region, ~~or functional portions thereof~~ having Tat inducible promoter activity;

(ii) at least one nucleotide sequence (NS) capable of being expressed in a target cell; and

(iii) at least one retroviral polynucleotide response element (PRE) which is responsive to a nucleus to cytoplasm transport factor;

wherein the NS and the PRE are located within an intron in a transcription unit of the provirus, wherein the intron is flanked by a retroviral splice donor (SD) site and a retroviral splice acceptor (SA) site derived from different retroviruses, wherein said NS is capable of expression in Tat and Rev expressing cells, and NS expression is undetectable in cells not expressing Tat and Rev genes.

25. (Cancelled)

26. (Previously amended) The retroviral vector particle according to claim 24, wherein the polynucleotide response element is responsive to HIV Rev, or to a functional equivalent of HIV Rev.

27. (Previously amended) The retroviral vector particle according to claim 24, wherein the polynucleotide response element is the Rev response element (RRE) from HIV, or a functional equivalent of the Rev response element from HIV.

28. (Previously amended) The retroviral vector particle according to claim 24, wherein the NS encodes a desired polypeptide.

29. (Previously amended) The retroviral vector particle according to claim 24, wherein the packageable retroviral RNA genome comprises all or a portion of an oncoretroviral genome.